

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

LAURENCE LEACH, )  
v. Plaintiff, )  
WATERWAY CAR WASH ) No. 05-0166-CV-W-FJG  
Defendant. )

**ORDER**

Pending before the Court is defendant's motion to dismiss for insufficiency of process/service of process and for violation of Court's Order dated October 17, 2005 (Doc. No. 17).

As pointed out by defendant in its motion, on September 14, 2005, the Court entered an order to show cause why this matter should not be dismissed for failure to prosecute (Doc. No. 13). On October 3, 2005, plaintiff filed a response to the Court's order to show cause (Doc. No. 13), and the Court granted plaintiff an extension of time to November 14, 2005, in which to obtain service and file a return of service with the Court. See Doc. No. 14. The Court indicated in that order that no further extensions of this deadline would be granted, and failure to comply with this deadline would result in the dismissal of this action without further notice.

A return of service was filed with the Court on December 12, 2005. In defendant's motion to dismiss, defendant indicates that it was served on November 16, 2005, which is beyond the service deadline set by this Court in its October 17, 2005 Order. As noted by defendant, even pro se litigants must comply with court rules and directives. See Soliman

v. Johanns, 412 F.3d 920, 922-23 (8<sup>th</sup> Cir. 2005). Plaintiff's case should be **DISMISSED** under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to follow Court orders.

Accordingly, it is hereby **ORDERED** that:

1. defendant's motion to dismiss (Doc. No. 17) is **GRANTED**;
2. this case is **DISMISSED WITH PREJUDICE**; and
3. the Clerk of the Court is directed to mail a copy of this Order by regular and certified mail, return receipt requested, to:

Laurence Leach  
8334 Cherry Street  
Kansas City, Missouri 64131

Date: December 20, 2005  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge